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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,475	03/26/2004	Michael W. Frauens	H10317/DPS	9797
1333 7590 06/21/2007 EASTMAN KODAK COMPANY PATENT LEGAL STAFF 343 STATE STREET ROCHESTER, NY 14650-2201			EXAMINER LABOMBARD, RUTH NAOMI	
			ART UNIT 2852	PAPER NUMBER
			MAIL DATE 06/21/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/810,475	<b>Applicant(s)</b> FRAUENS ET AL.	
	<b>Examiner</b> Ruth N. LaBombard	<b>Art Unit</b> 2852	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 April 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 5, 7-12 and 23-50 is/are pending in the application.  
4a) Of the above claim(s) 31-44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 7-12, 23-30 and 45-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. It is noted that the amendments filed on 4/13/07 have been made based on the claims as presented prior to the non-responsive amendments filed on 1/16/07; this has been accepted in order to expedite prosecution.

### ***Objections***

2. The objections to the drawings and the claims in the Office action mailed on 10/17/07 have been withdrawn in light of the amendments.

### ***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-3, 5, 7, 10-12, 23 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Desie et al. (US 6,246,424 B1) in view of Kaukeinen et al. (JP 07043978 A).

5. Prior to the amendments Desie et al. ('424) read on claims 1-3, 5, 7, 10-12, 23 and 50. Since then, the claims have been amended to include a "rotating magnetic core" that Desie et al. ('424), as presented in the previous Office action, fails to disclose. Desie et al. ('424) disclose preferentially using a stationary magnetic core (column 11, lines 23-25) but does not provide a reason that this arrangement is preferred.

6. Kaukeinen et al. ('978) disclose using a rotating magnetic core, in a developing device, in order to develop a high-density image free from scavenging.

7. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify Desie et al. ('424) to include a rotating magnetic core, as disclosed by Kaukeinen et al. ('978), in order to develop a high-density image free from scavenging.

8. Claims 1, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Costrop et al. (US 5,848,339) in view of Kaukeinen et al. (JP 07043978 A).

9. Prior to the amendments Costrop et al. ('339) read on claims 1, 8 and 9. Since then, the claims have been amended to include a "rotating magnetic core" that Costrop et al. ('339), as presented in the previous Office action, does not specifically disclose.

10. Kaukeinen et al. ('978) disclose using a rotating magnetic core, in a developing device, in order to develop a high-density image free from scavenging.

11. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify Costrop et al. ('339) to include a rotating magnetic core, as disclosed by Kaukeinen et al. ('978), in order to develop a high-density image free from scavenging.

12. Claims 23-27 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rushing (US 6,671,052 B1) in view of Kaukeinen et al. (JP 07043978 A).

13. Prior to the amendments Rushing ('052) read on claims 23-27 and 30. Since then, the claims have been amended to include a "rotating magnetic core" that Rushing ('052), as presented in the previous Office action, does not specifically disclose.

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14. Kaukeinen et al. ('978) disclose using a rotating magnetic core, in a developing device, in order to develop a high-density image free from scavenging.

15. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify Rushing ('052) to include a rotating magnetic core, as disclosed by Kaukeinen et al. ('978), in order to develop a high-density image free from scavenging.

16. Claims 23, 28, 29 and 45-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakazato et al. (US 6,483,997 B1).

17. Prior to the amendments Nakazato et al. ('997) read on claims 23, 28, 29 and 45-49. Since then, the claims have been amended to include a "rotating magnetic core" that Nakazato et al. ('997), as presented in the previous Office action, does not specifically disclose.

18. Kaukeinen et al. ('978) disclose using a rotating magnetic core, in a developing device, in order to develop a high-density image free from scavenging.

19. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify Nakazato et al. ('997) to include a rotating magnetic core, as disclosed by Kaukeinen et al. ('978), in order to develop a high-density image free from scavenging.

### ***Response to Arguments***

20. Applicant's arguments with respect to claims 1-3, 5, 7-12, 23-30 and 45-50 have been considered but are moot in view of the new ground(s) of rejection.

21. Regarding the Desie et al. ('424) patent, applicants argue that Desie et al. ('424) "teaches away from the present invention" by not including 'toning stations.' Contrary to applicants' argument Desie et al. ('424) disclose toning rollers (1043, 1045) for applying a toner to a photoconductive drum 103. Any device that applies toner can be considered a 'toning station.'

### ***Conclusion***

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

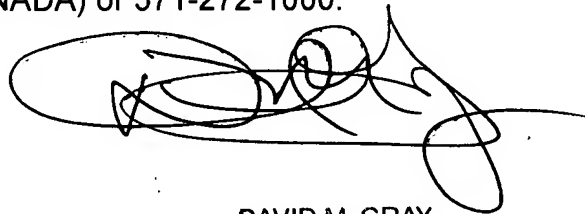
### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth N. LaBombard whose telephone number is (571)

272-6430. The examiner can normally be reached on Monday - Friday, 7:30am - 4:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray can be reached on (571) 272-2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'DMG', with a large, loopy flourish extending from the end of the signature.

DAVID M. GRAY  
SUPERVISORY PATENT EXAMINER

/RNL/  
6/18/07